

DOD: 1-18-12		LINDA TERRY , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1-1-09 through 1-18-12	
		Accounting: \$43,204.81	
		Beginning POH: \$5,585.81	
		Ending POH: \$3,354.30 (\$953.37 cash plus furniture/personal property)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Account period: 1-21-12 through 10-31-12
			Accounting: \$3,354.30
			Beginning POH: \$3,354.30
			Ending POH: \$0.00
			Conservator: Not requested
			Attorney: \$1,250.00 (per local rule)
			Petitioner prays that:
			1. Notice of Hearing be given as required by law;
			2. The Court make an order approving allowing and settling the Third and Final Accounts;
			3. The Court authorize payment of the attorney fee; and
			4. Any and all further relief that the Court deems just and proper.
			Reviewed by: skc
			Reviewed on: 12-13-12
			Updates:
			Recommendation:
			File 1 - Chapman

Atty O'Neill, Patricia B. (for Timothy Moore – Conservator – Petitioner)

Atty LeVan, Nancy (for Ken Dunn – Husband of Conservatee – Objector)

(1) Petition for Reimbursement of Conservator, for (2) Attorney Fees, and
Instructions (Prob. C. 2642)

Age: 84		TIMOTHY MOORE , Conservator of the Person, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		PUBLIC GUARDIAN is Conservator of the Estate.	<u>OFF CALENDAR</u>
Cont from 112612		Petitioner requests \$2,348.00 reimbursement of personal funds expended in connection with moving the Conservatee to a new (less expensive) facility, including \$348.00 paid to Attorney John Barrus for assistance with negotiations (which ultimately failed; however, Petitioner was successful in his petition to relocate the Conservatee), and the \$2,000.00 deposit paid to the facility (Palm Gardens).	Amended Petition filed 12-13-12 is set for hearing on 1-28-13.
	Aff.Sub.Wit.		
✓	Verified	Petitioner requests \$2,075.00 for fees and costs incurred by Attorney Patricia Bone O'Neill in the sum of itemized at 8.2 hours @ \$200.00/hr plus \$435.00 in costs.	Minute Order 11-26-12: Terrence Moore objects to the reimbursement. Ms. LeVan objects to Timothy Moore being reimbursed and requests a continuance to review exhibits. Matter continued to 1/7/13 at which time the Court will hear any objections.
	Inventory		
	PTC	Petitioner also describes a situation that occurred where the Conservatee was hospitalized (from a fall) and required extra care from Palm Gardens facility staff to be present for assistance during her hospitalization.	
	Not.Cred.		
✓	Notice of Hrg	Petitioner states he was directed by the Public Guardian to make arrangements for the supplemental care and have the bills sent to them; however, they initially refused to pay because of a confusion about the extent of the care required by Conservatee. In order to maintain the supplemental care, Petitioner paid from his personal funds, and sought reimbursement from the Public Guardian. Petitioner states the Public Guardian eventually reimbursed him and suggested that it would seek guidance from the Court regarding how to handle this in the future due to tension between Petitioner and the Public Guardian.	
✓	Aff.Mail		
	Aff.Pub.	Petitioner requests an order for reimbursement as requested, for attorney fees and costs, and for Instruction to both Conservator of the Person and Conservator of the Estate on how to handle supplemental expenses for the Conservatee's benefit.	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petition for Attorney's Fees & Costs (Probate Code 1472)

Age: 55 years		<p>MARCUS D. MAGNESS, Attorney retained by the Conservatee on 3/23/2011 to oppose the <i>Petition for Appointment of Conservator</i>, is Petitioner.</p> <p>PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 3/6/2012.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> He was retained by the Conservatee to oppose a petition for appointment of conservator of the person and estate filed by two of his children, KATRINA LEAL and JASON HERMOSILLO; In connection with such representation, his Firm prepared pleadings, prepared and responded to discovery, made Court appearances, met with the client, interviewed numerous family members, engaged and coordinated with expert witnesses, and otherwise handled the litigation associated with the Conservatorship proceeding (<i>please refer to detailed itemization in Declaration of Marcus D. Magness attached as Exhibit A</i>); Petitioner is advised that the Conservatorship estate includes a 1/2 community property interest in 10 parcels of real property comprising numerous rental units; While the Conservatee's estranged wife was less than forthcoming concerning responses to discovery to learn the extent of the Conservatee's other assets, the estate is capable of paying for the legal fees for services rendered and to reimburse for costs advanced; Petitioner believes that \$36,702.00 is reasonable compensation for the services performed, taking into consideration the time expended, the responsibility assumed, the complexity of the matter, the expertise of Petitioner, and the results achieved; additionally, Petitioner has paid \$5,212.27 in expenses for costs advanced on the Conservatee's behalf in connection with both the Conservatorship proceeding and the accounting litigation; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 10-9-12</u></p> <p><u>Minute Order 10-9-12:</u> The Court authorizes a preliminary distribution for partial payment of attorney fees in the amount of \$15,000.00. Counsel is directed to submit an order. Matter continued to 1-7-13.</p> <p><u>Note:</u> Also see related matter on Page 20 (Public Guardian's Ex Parte Petition for Authorization to Pay Counsel Lerandeau and Lerandeau regarding the conservatee's dissolution action, and to pay Attorney Marcus Magness pursuant to this petition.)</p> <p>\$15,000.00 (auth'd 10-9-12) +\$2,536.51 (in trust acct, auth requested) +\$11,913.24 (remainder) +\$3,502.89 (costs) = \$32,952.64 <u>(Total to be authorized)</u></p>	
Cont. from 100912				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCC/JEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Petitioner states, continued:

- Prior to the appointment of the Public Guardian as temporary conservator, the Conservatee paid **\$8,961.63** to Petitioner, of which **\$7,252.25** was applied to fees;
- Petitioner requests the Court approve this petition and direct the Conservator to pay the sum of **\$29,449.75** to Petitioner for the Conservatorship estate;
- Petitioner has paid **\$5,212.27** in expenses, of which **\$1,709.38** has been reimbursed by the Conservatee for bills paid prior to appointment of the Public Guardian as temporary conservator;
- Petitioner requests the Court direct the Conservator of the Estate to reimburse Petitioner **\$3,502.89** for costs advanced on the Conservatee's behalf in connection with both the Conservatorship proceeding and the Accounting Litigation (*please refer to detailed itemization in Declaration of Marcus D. Magness attached as Exhibit A*);
- Petitioner holds on deposit in the firm's trust account the sum of **\$2,536.51** that belongs to the Conservatee; Petitioner requests the firm be allowed to apply the funds held on behalf of the Conservatee in its trust account to the fees and costs being authorized by the Court in this proceeding.

Petitioner requests an Order:

1. Authorizing Petitioner to apply the funds of **\$2,536.51** held on deposit for the benefit of the Conservatee toward payment of the legal fees and costs due the firm for services rendered;
2. Directing the Public Guardian, as Conservator of the Conservatee's estate, to pay to the firm the sum of **\$26,913.24** (representing **\$29,449.75**, less money held on deposit) for the balance of the sums due for legal services rendered; and
3. Directing the Public Guardian, as Conservator of the Conservatee's estate, to pay to the firm the sum of **\$3,502.89** to reimburse the firm for costs advanced on the Conservatee's behalf.

Note: Attorney fee itemization indicates a combined total of **111.60 hours** at the attorney rates of **\$315.00, \$325.00, \$200.00** and the paralegal rate of **\$105.00** per hour. Itemization also includes billing statement for professional services of specialist David I. Margolin, M.D., Ph.D., J.D., totaling **\$4,553.00**.

(1) First and Final Report of Administrator on Waiver of Account and Petition for Settlement Thereof and (2) for Waiver of Administrator's Compensation for Ordinary Services and (3) for Allowance of Attorney's Fees for Ordinary Services and Extraordinary Services and for Final Distribution (Probate Code 10810, 10811, 10954, 12200)

DOD: 9-30-11		RICHARD HOWSER , Father and Administrator with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: \$213,500.00 POH: \$136,770.07 (cash) Administrator (Statutory): Waived Attorney (Statutory): \$7,270.00 Attorney (Extraordinary): \$1,912.50 (for payment of and determination of debts and negotiations and conferences with creditors. Atty states unusual circumstances extended negotiation with the VA, per declaration) Reserve: \$500.00 Distribution pursuant to intestate succession: Richard Howser: \$127,087.07	NEEDS/PROBLEMS/COMMENTS:	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			1-26-12
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
			Reviewed by: skc Reviewed on: 12-13-12 Updates: Recommendation: File 4 – Howser	

(1) Petition for Final Distribution on Waiver of Account and for (2) Allowance of Compensation for Ordinary Services (Independent Administration) (Prob. C. 10400, et seq, 10951 and 1160 et seq)

DOD: 11-14-09			LINZY HUDSON , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Court may require clarification: The Petition does not specify the interests to be received by each distributee. Intestate succession would be a 1/3 undivided interest each. 2. Need order.
			Accounting is waived	
			I&A: \$115,000.00	
			POH: \$115,000.00	
	Aff.Sub.Wit.		(mobile home in Friant, CA)	
✓	Verified		Administrator (Statutory): Waived	
✓	Inventory		Attorney (Statutory): \$4,450.00	
✓	PTC		Distribution pursuant to intestate succession:	
✓	Not.Cred.		Mobile home in Friant, CA., distributable to Linzy Hudson, Gary Hudson, and Steven Hudson.	
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters	4-26-12		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
				Reviewed by: skc
				Reviewed on: 12-13-12
				Updates:
				Recommendation:
				File 5 – Hudson

Age: 73		TEMPORARY EXPIRED 1-7-13		NEEDS/PROBLEMS/COMMENTS:	
Cont. from 110512, 120312					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	X			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
✓	Letters	X			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
		<p>BARNETT SEYMOUR SALZMAN, Proposed Conservatee, is Petitioner and requests that VANCE SEVERIN and TERRI SEVERIN, his brother-in-law and sister-in-law (brother and sister of Petitioner's wife, Stacy Salzman) be appointed as Co-Conservators of the Person with medical consent powers (see below) and of the Estate with bond of \$70,000.00.</p> <p>Voting rights NOT affected.</p> <p>Petitioner also requests the Conservators be granted additional powers including the power to list and sell his residence without Court supervision pursuant to Probate Code §2591(c)(2), the power to engage the services of a CPA, the power to negotiate and sign rental contract(s) with an independent living and/or assisted living residential facility for Petitioner and his spouse, subject to approval by Petitioner and his spouse, Stacy Salzman. Petitioner states he is recovering from a stroke which has impacted his ability to communicate. Although he is improving with the assistance of speech therapy, he still requires someone to negotiate and contract on his behalf.</p> <p>Estimated Value of Estate: Personal property: Unknown Annual income: Unknown Real property: \$180,000.00</p> <p>Petitioner states his net income of approx. \$6,000.00/month is consumed by his monthly expenses. It is believed that his other significant asset, his personal residence, does not have equity as it is encumbered by a first and second mortgage. As a result, the parties have agreed to a bond in the amount of \$70,000.00.</p> <p>Petitioner states that although he <u>does not</u> lack the ability to give informed consent for medical treatment, he has agreed that the Co-Conservators should be given the power to consent to medical treatment on his behalf pursuant to Probate Code §2355.</p>		<p>Note: Public Guardian was appointed Temporary Conservator of the Person and Estate on 7-5-12. Pursuant to Trial Minute Order 9-25-12 on Public Guardian's Petition for Conservatorship, Vance Severin and Terri Severin were appointed Temporary Conservators of the Person and Estate without bond pending this petition.</p> <p>Note: The proposed Conservators live in Chico, CA and Agoura, CA.</p> <p>Note: On 12-10-12, the Temporary Conservators were authorized to sell the Conservatee's real property.</p> <p>Minute Order 11-5-12: Mr. Motsenbocker can file ex parte petition ordering independent powers Re: escrow signing. Temporary Letters extended to 12/3/12. Continued to 12-3-12. Set on 3-22-13 for Filing of Inventory and Appraisal. Temporary Conservatorship extended to 12-3-12.</p> <p>Minute Order 12-3-12: Mr. Motsenbocker informs the Court that he will be filing an ex parte for the sale of the house. Continued to 1-7-13.</p> <p>Minute Order 12-10-12 (Ex Parte Application for Authority to Sell Interest in Real Property): Counsel is informed that a bond will be needed as previously discussed. The Court grants the petition and orders that any proceeds from the sale be placed in a blocked account. Escrow is directed to deposit the funds in the blocked account. The Court orders that Barnett Salzman not be removed from Fresno County. The Court extends the temporary conservatorship to 1/7/13. Petition granted. Order to be signed ex parte. Temp extended to 1/7/13.</p>	
				SEE PAGE 2	
Aff. Posting				Reviewed by: skc	
Status Rpt				Reviewed on: 12-5-12	
UCCJEA				Updates:	
Citation				Recommendation:	
FTB Notice				File 6 – Salzman	
		SEE PAGE 2			

Investigation Reports have been filed as follows:

7-3-12: Public Guardian's Probate Conservatorship Investigation Report (Public Guardian's Petition)

7-10-12: Court Investigator's Report re: Temporary Conservatorship (Public Guardian's Petition)

8-1-12: Court Investigator's Report re General Conservatorship (Public Guardian's Petition)

12-7-12: Court Investigator's Supplemental Report re General Conservatorship (Severins' Petition)

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner requests the Conservators be granted authority to negotiate on behalf of both Petitioner and his spouse, Stacy Salzman. The Court cannot make orders with regard to the spouse. The order has been interlineated to exclude reference to powers on behalf of the spouse Stacy Salzman.
2. Petitioner states his income of approx. \$6,000.00/month (\$72,000.00/year) is consumed by his monthly expenses, and his residence, which will ultimately be sold, has no equity, as it is encumbered by a first and a second mortgage; therefore, the parties agree to a bond in the amount of \$70,000.00.

However, based on the estimated income, Examiner calculates that bond should be at least \$79,200.00, including an amount for cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207. Examiner also notes that this calculation may be inaccurate due to the unknown value of any other personal property.

The Court may require bond of \$79,200.00 at this time, and will review upon the filing of the first account for adjustment as appropriate.

Update: Once the real property is sold, the Court may require blocked account for the proceeds.

If required, the Court will set status hearing for filing of the bond on Friday, 3-22-13
(along with the filing of the I&A, which is already set)

Atty

Marshall, Jared C. (for Petitioners Diana Rodrigues and Robert Chrest)

Atty

Helon, Marvin T. (Court-appointed Counsel for the Conservatee)

Atty

Matthes, Heather (Pro Per – Granddaughter – Objector)

Atty

Kruthers, Heather (for Public Guardian)

**Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.
1820, 1821, 2680-2682)**

Age: 82		TEMP (PUBLIC GUARDIAN) EXPIRES 1-7-13	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 12-4-12.</u> <u>Minute Order 11-15-12 (Temp):</u> Based on Mr. Marshall's declaration, the Court finds that proper notice has been given to all parties. The Court appoints the Public Guardian as temporary conservator of the person and estate. The temporary expires on 1/7/13. The General Hearing remains set for 1/7/13. Any powers of attorney are ordered void and of no force and effect. The Court orders that no person shall alter any accounts, checking and/or savings. The Court further orders that counsel be appointed for the Conservatee at her expense and subject to her ability to pay. Counsel is directed to submit an order. Temporary Letters extended to 1/7/13. <u>If this petition goes forward:</u> 1. Need video receipt. 2. Capacity Declaration is silent regarding administration of dementia (psychotropic) medications. The Court may require additional information. 3. Need order, letters.
		DIANA RODRIGUES and ROBERT CHREST , daughter and son, are Petitioners and request appointment of Ms. Rodrigues as Conservator of the Person with medical consent powers and dementia medication and placement powers, and Mr. Chrest as Conservator of the Estate with bond of \$161,916.00.	
		PUBLIC GUARDIAN was appointed Temporary Conservator on 11-15-12.	Estimated Value of Estate: Personal property: \$ 126,500.00 Annual income: \$ 20,696.00 Cost of Recovery: \$ 14,917.60 Total Bond Required: \$ 161,915.60 Petitioners state the proposed Conservatee's daughter Deborah Covey, who has not been involved with her life for approx. 10 years, and her daughter, Heather Covey-Mathes, took the proposed Conservatee from her home for three days without informing other family members and without returning phone calls as to her whereabouts, took her to an attorney and coerced her into signing a will, advance health care directive and power of attorney in late October 2012. The will provides Ms. Covey-Mathes with a \$10,000.00 bequest, but excludes all other grandchildren. The proposed Conservatee suffers from dementia, including significant short-term memory loss, and lacks capacity to execute such documents. Petitioners caught Ms. Covey-Mathes attempting to take control of a bank account using the POA, and also recently received a check from the proposed Conservatee in the amount of \$5,000.00 despite her limited financial resources and lack of capacity. Petitioners fear ongoing abuse of the POA. Petitioners also filed a separate Heather Matthes (Granddaughter) Filed an Objection on 11-13-12. <p align="center">SEE ADDITIONAL PAGES</p>
		Capacity Declaration was filed 11-5-12.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	X	
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	X	
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Objection filed 11-13-12 by Heather Matthes states the Petitioners are not making sound decisions with the proposed conservatee's finances. In October and November 2012, they convinced her to open escrow on a trailer in Vacaville, CA for \$1,000.00, close a trust account, write a \$5,000.00 check to Dowling Aaron Incorporated to represent Diana Rodrigues and Robert Chrest. Objector states Petitioners are planning to move the proposed Conservatee to Vacaville to an unfamiliar environment, away from family, life-long friends, established relationships with medical personnel, and against the proposed conservatee's expressed wishes to stay in the Fresno/Clovis area, which can create confusion for someone they claim has mental instability.

Objector states Petitioners have not allowed her or her immediate family, or Betty's friends to speak or visit with Betty, they have been isolating her, and are bullying her into a constant state of fear.

Objector states that, knowing that no peaceful resolution can come from this unfortunate situation with all family members involved, she asks that Petitioners cease and desist all financial transactions with Betty Chrest and that a neutral party from the Public Guardian's office be appointed to protect and prolong her future.

Objector further requests that all family members be allowed visitation privileges.

Objector provides rebuttals "in response to the "wildly untrue claims" in the Petition:

- Objector states Betty Chrest was driven to see Attorney Val Dornay, insisting that Petitioners were forcing her to move to Vacaville against her will, and asked Objector for help. Betty Chrest met with the attorney privately, free from any outside influences, behind closed doors, while Heather and her husband John waited outside. Doborah Covey was not present, she was working in Vacaville, CA.
- After Betty Chrest informed Val Dornay that checks were missing, Mr. Dornay urged Objector to take her to the banks, close her accounts, and open new accounts to protect her from fraudulent activities.
- In regards to Heather receiving a \$5,000.00 check, there was never a check written. The only money Betty has ever given to Heather was placed into a savings account as a gift to Heather after Heather graduated from nursing school months ago, since Heather is Betty's only grandchild to have graduated from a four-year university and has always had constant contact with Betty and involved her in family activities.
- In regards to Ms. Covey and Ms. Matthew taking Betty from her home for days: Ms. Covey was not in Fresno at this time and it is not unusual for Betty Chrest to visit and stay with Heather for several days. Petitioners were aware of this as they stated through text and online messages from Diana Rodrigues and her children to Heather Matthes.
- In regards to medications: Heather is a registered nurse and is most qualified to administer and monitor Betty's medications.
- Objector attaches a handwritten note from Betty Chrest.

Court Investigator Charlotte Bien filed a report on 12-17-12.

Atty Marshall, Jared C. (for Petitioners Diana Rodrigues and Robert Chrest)

Atty Helon, Marvin T. (Court-appointed Counsel for the Conservatee)

Atty Kruthers, Heather (for Public Guardian)

Petition for Exclusive Authority to Give Consent for Medical Treatment

Age: 82			<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> This Petition for Exclusive Authority to Give Consent for Medical Treatment was filed separate from the Petition for Conservatorship; however, because the Petition for Conservatorship included a request for medical consent powers, this petition is not reviewed separately.</p> <p>See Page 7A.</p>
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: skc</p> <p>Reviewed on: 12-13-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7B - Chest</p>

Age: 63		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:		
		GLORIA S. HEDGES , sister, is petitioner and requests appointment as Conservator of the person, with medical consent powers.		Court Investigator Advised Rights on 12/10/2012.		
Cont. from		Declaration of Nicholas J. Orme, M.D., 10/31/2012 supports request for medical consent powers.				
	Aff.Sub.Wit.					
✓	Verified		Petitioner states: Mr. Hedges, the proposed conservatee, is 63 years old who has never been gainfully employed he is unable to provide for his basic day to day needs due to a mental deficiency. He is totally dependent on others to provide for his daily need. He needs to reside in a sheltered environment which provides supervision and direction due to his intellectual limitations.			
	Inventory					
	PTC		Court Investigator Jennifer Young's report filed 12/21/2012.			
	Not.Cred.					
✓	Notice of Hrg					
	Aff.Mail					
✓	Aff.Pub.	w/				
	Sp.Ntc.					
✓	Pers.Serv.	w/				
✓	Conf. Screen					
✓	Letters					
✓	Duties/Supp					
	Objections					
✓	Video Receipt					
✓	CI Report					
	9202					
✓	Order					
	Aff. Posting					
	Status Rpt					
	UCCJEA					
✓	Citation					
	FTB Notice					
			Reviewed by: LV			
			Reviewed on: 12/13/2012			
			Updates: 12/21/2012			
			Recommendation:			
			File 8 - Hedges			

Petition to Terminate Trust [Prob. C. 15403]

		<p>JESSICA MARKOWICZ and DINA TSU TSU STANTON, beneficiaries, are Petitioners.</p> <p>Petitioners state:</p> <p>The EDWARD W. SWORDS TESTAMENTARY TRUST was created under the will of Edward W. Swords pursuant to Order dated 1-19-96.</p> <p>GARY L. MOTSENBOCKER is Trustee.</p> <p>Petitioners state continuance of the trust is not necessary to carry out any material purpose of the trust. Every beneficiary consents to termination (Exhibit B).</p> <p>All beneficiaries have completed their educational pursuits and do not anticipate any new endeavors. As such, the material purpose of the trust has been fulfilled.</p> <p>Petitioners state that although the trust instrument specifically identifies the beneficiaries, it also references their issue in another section.</p> <p>Petitioners pray for an order:</p> <ol style="list-style-type: none"> 1. Terminating the trust; 2. For costs herein; and 3. For such other orders as the court may deem proper. <p>CATHERINE SHARBAUGH has been appointed as Guardian Ad Litem of any unborn issue; however, is not authorized to waive or disclaim any substantive rights of the represented party without further order of the Court.</p> <p>Declaration of Catherine Sharbaugh in support of petition was filed 12-20-12. Authority cited.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Examiner notes that:</u></p> <ul style="list-style-type: none"> • The trust at Page 7 states: "The trustee shall pay to any of the children named above, or their issue, for educational purposes, in an amount which will be in the sole discretion of the trustee, to aid and assist them in their educational pursuits." • The trust at Page 9 states the trust shall terminate on any of the following events: <ul style="list-style-type: none"> - exhaustion of the assets; - demise of all of the children named above "If the termination of said trust results from the demise of all of said children, all assets still remaining in the hands of the trustee shall be distributed to the then living issue of the said children, share and share alike."
Aff.Sub.Wit.			
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9202			
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Status Rpt			
UCC/JEA			
Citation			
FTB Notice			

Reviewed by: skc
Reviewed on: 12-13-12
Updates: 12-21-12
Recommendation:
 File 9 - Swords

Atty Tucker, Eugene (Pro Per – Co-Executor)

Atty Tucker, James (Pro Per – Co-Executor)

Atty Amey, Dorothy (Pro Per – Co-Executor)

Status Re: Filing of the First Account or Petition for Final Distribution

DOD: 12-13-04		<p>EUGENE TUCKER, JAMES TUCKER, and DOROTHY AMEY were appointed Co-Executors with Full IAEA and bond of \$150,000.00 on 9-5-06. Bond was filed and Letter issued on 9-29-06.</p> <p>Final Inventory and Appraisal filed 8-11-08 reflects real property valued at \$95,000.00 (at 12-13-04).</p> <p>A petition for final distribution was heard on 2-9-09, 2-24-09, 3-17-09, and 4-21-09. The matter was continued due to various defects and ultimately denied on 4-21-09.</p> <p>On 6-5-12, after numerous status hearings, the Court appointed the Public Administrator.</p> <p>Public Administrator's Status Report filed 9-17-12 states Deputy Noe Jimenez met with the family and they decided they would cover all probate fees minus the two Fresno County creditor's claims. The family reported that they were working with the two county agencies to have the claims withdrawn. If they are successful, they will pay all fees so that the house can be deeded to the heirs. At the family's request, a reappraisal was done to ascertain the current market value of the home.</p> <p>The Public Administrator requests that the next status hearing be set out 90 days to allow the family more time to negotiate with the County of Fresno and for the Public Administrator to file the account.</p>	NEEDS/PROBLEMS/COMMENTS:
<div>Prior hearings: 7-25-11, 10-3-11, 11-7-11, 2-6-12, 060512. 100912</div>			<p>Note: The former Co-Executors were formerly represented by Attorney Sandra Smith, who is no longer eligible to practice law.</p> <p>Minute Order 10-9-12: The Court notes for the minute order that the Public Administrator is requesting a continuance. Matter continued to 1-7-13.</p>
Aff.Sub.Wit.			<p>1. <u>Need petition for final distribution.</u></p> <p>Note: The two outstanding creditor's claims total \$2,235.93.</p>
Verified			
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CI Report			
9202			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<div>Reviewed by: skc</div> <div>Reviewed on: 12-13-12</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 10 - Tucker</div>	

DOD: 7/13/10		<p>ROBERT ACUNA, JR. and DESIREE ACUNA, were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11.</p> <p>Inventory and Appraisal was due on 9/26/11.</p> <p>On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.</p> <p>At the hearing on 3/22/12 the Court set an Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present.</p> <p>Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.</p> <p>Minute order from 4/26/12 indicates there were no appearances. The court removed Robert Acuna Jr., and Desiree Acuna. The court appointed the Public Administrator as administrator without bond.</p> <p>The Public Administrator's Letters were issued on 6/27/12.</p> <p>Status Report regarding Inventory and Appraisal filed on 8/24/12 states Deputy Noe Jimenez has made repeated attempts to meet with Mr. Acuna, but the attempts did not succeed due to factors on Mr. Acuna's part. Deputy Jimenez did learn that there is property belonging to Gloria Acuna and Robert Acuna, husband and wife, joint tenants. An Assignment Deed of Trust was executed by Mortgage Electronic Registration Systems, Inc was recorded on 5/23/2012 transferring beneficial interest to GMAC Mortgage Corporation. The amount of the mortgage on the Assignment is \$183,000.00. Deputy Jimenez believes that there is more owing on the property than it is worth.</p> <p>The Public Administrator cannot file an inventory in this matter until he gains cooperation from Robert Acuna and Desiree Acuna. If there are any other assets, that are not apparent without their help in identifying them.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11/26/12. Minute Order indicates Robert Acuna, Jr. and Desiree Acuna were present at the hearing.</p> <p>1. Need current written status report pursuant to Local Rule 7.5.</p>
Cont. from 082712, 112612			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 12/14/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Acuna</p>	

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7/13/10		<p>ROBERT ACUNA, JR. and DESIREE ACUNA, were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11.</p> <p>Inventory and Appraisal was due on 9/26/11.</p> <p>On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.</p> <p>At the hearing on 3/22/12 the Court set an Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present.</p> <p>Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.</p> <p>Minute order from 4/26/12 indicates there were no appearances. The court removed Robert Acuna Jr., and Desiree Acuna. The court appointed the Public Administrator as administrator without bond.</p> <p>The Public Administrator's Letters were issued on 6/27/12.</p> <p>Status Report regarding Inventory and Appraisal filed on 8/24/12 states Deputy Noe Jimenez has made repeated attempts to meet with Mr. Acuna, but the attempts did not succeed due to factors on Mr. Acuna's part. Deputy Jimenez did learn that there is property belonging to Gloria Acuna and Robert Acuna, husband and wife, joint tenants. An Assignment Deed of Trust was executed by Mortgage Electronic Registration Systems, Inc was recorded on 5/23/2012 transferring beneficial interest to GMAC Mortgage Corporation. The amount of the mortgage on the Assignment is \$183,000.00. Deputy Jimenez believes that there is more owing on the property than it is worth.</p> <p>The Public Administrator cannot file an inventory in this matter until he gains cooperation from Robert Acuna and Desiree Acuna. If there are any other assets, that are not apparent without their help in identifying them.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11/26/12. Minute Order indicates Robert Acuna, Jr. and Desiree Acuna were present at the hearing.</p> <p>1. Need current written status report pursuant to Local Rule 7.5.</p>	
Cont. from 082712, 112612				
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Citation				
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				<p>Reviewed by: KT</p> <p>Reviewed on: 12/14/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Acuna</p>

Age: 79		NO TEMPORARY REQUESTED		NEEDS/PROBLEMS/COMMENTS:	
		<p>ALICE MARIE CREASY, Daughter, is Petitioner and requests appointment of the FRESNO COUNTY PUBLIC GUARDIAN as Conservator of the Person and Estate with medical consent and dementia powers without bond.</p> <p>Capacity Declaration filed 11-30-12.</p> <p>Estimated Value of Estate: Personal property: \$ 200,000.00 Annual income: \$ 64,000.00 Total: \$ 264,000.00</p> <p>Petitioner states: Proposed Conservatee is in a locked wing of Orchard Park Memory Care Unit. He has a history of wandering. He enjoys his present placement and is compliant with staff. However, he is forgetful and extremely paranoid. He is a retired aircraft mechanic. His children, in varying degrees and for varying periods of time, have all been estranged from the Proposed Conservatee due to his difficult personality. He needs 24-hour supervision due to his dementia.</p> <p>Mr. Sherwood is unable to manage his finances. He appointed Petitioner as his agent when he moved to California from Louisiana approx. 18 months ago. He is no longer able to drive. Petitioner has been paying his bills and maintaining his finances; however, he has become distrustful of Petitioner. Petitioner assisted in the sale of his home in Louisiana and is responsible for getting him to California; however, he is now accusing her of taking all his money. Petitioner can no longer be his agent as she believes it is not good for his health to become so upset. Petitioner's brother, Mitchell, has apparently been assisting Mr. Sherwood in contacting local counsel about Petitioner's management of his affairs.</p> <p>Petitioner manages a sizeable facility for the elderly in Reedley and is well aware of her fiduciary responsibility to her father. Petitioner states she cannot subject herself to his continuing harassment and accusations. Although she believed she could help him acclimate to Fresno, she can no longer manage his affairs, and none of the other three siblings are interested in assisting.</p> <p>Court Investigator Samantha Henson to file report.</p>		<p>1. The petition requests dementia powers at #1.k.; however, Petitioner did not include the mandatory Judicial Council Form GC-313 (Attachment Requesting Special Orders Regarding Dementia) with the petition, and the mandatory Judicial Council Form GC-335A (Dementia Attachment to Capacity Declaration) is also absent.</p> <p>Because the mandatory attachments were not included, counsel has not been appointed for Mr. Sherwood pursuant to Probate Code §2356.5.</p> <p><u>Need clarification: If dementia powers are to be considered, continuance is necessary for appointment of counsel, and filing and service of the necessary forms on the Proposed Conservatee and all relatives.</u></p> <p><u>Update: Attorney Curtis Rindlisbacher was appointed to represent the proposed Conservatee on 12-17-12.</u></p> <p>2. Petitioner served the Notice of Hearing on the Fresno County Public Guardian, but did not serve County Counsel pursuant to Probate Code §1214. Continuance may also be necessary for further notice.</p>	
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Motion to Enforce Judgment and Request for Over Night Visitations

Age: 8		<p>LISA SANCHEZ and DANIEL G. RODRIGUEZ, parents, are Petitioners.</p> <p>SARA LOPEZ, paternal cousin (first cousin to father Daniel G. Rodriguez), was appointed Guardian of Sean C. Rodriguez on 11-27-06.</p> <p>Paternal Grandfather: Daniel Rodriguez, Sr. - Deceased Paternal Grandmother: Sylvia Garcia Maternal Grandfather: Jorge Sanchez, Sr. Maternal Grandmother: Beverly Sanchez - Deceased</p> <p>Petitioners state Sean has been in the care of Guardian Sara Lopez since 2005. On 11-9-11, the Court denied Petitioners' request to terminate the guardianship, but granted Petitioners' request for unsupervised visitation and counseling for the minor child.</p> <p>Petitioners now respectfully request that the Court help them in enforcing that order, wherein the Court ordered the guardian to obtain counseling for the minor child with a licensed child psychologist. All parties were ordered to be involved in counseling. Over the past eight months, the guardian has refused to communicate and cooperate with Petitioners as to counseling. They are left to believe that the guardian has failed to obtain counseling for the minor child, or has refused to inform the parents of any counseling, clearly not looking out for the best interest of the minor child.</p> <p>Petitioners have researched and obtained information on counselors and/or a referral agency and have provided three options. Petitioners respectfully request that the Court allow them to choose a counselor and set up the services and order the guardian to cooperate in ensuring the child attends said counseling, or alternatively that Petitioners be allowed to transport the child to/from the counseling.</p> <p>Petitioners continue to want to inform their son that they are his parents and are more than willing to work with the guardian and counselor to ensure that his emotional and mental health are being considered when doing so.</p> <p>Guardian Sara Lopez filed a Declaration on 1-2-13. SEE PAGE 2.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9-20-12, 11-1-12, 11-26-12</u></p> <p><u>Page 14B is Order to Show Cause regarding Sara Lopez's failure to appear and imposition of sanctions in the amount of \$500.00.</u></p> <p><u>Visitation history:</u></p> <p><u>Minute Order 2-23-10:</u> Supervised visits to parents every other Sunday 12pm to 2pm supervised by Martha Lopez at her home.</p> <p><u>Minute Order 11-9-11:</u> The Court orders that the visitation time as to Sean remain as previously ordered. The Court further orders that visitation be up to four hours unsupervised. There is to be no drugs or alcohol during visitation and parties are to be licensed and insured. The child is to be picked-up from Martha Lopez's home. Parties are not to discuss parentage with the minor without express permission from the mental health doctor. Parties agree in open court to rely on the doctor's recommendation regarding visitation.</p> <p><u>Minute Order 11-26-12:</u> Visitation shall be from 9am to 6pm, day(s) to remain the same.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 12-13-12</p> <p>Updates: 1-3-13</p> <p>Recommendation:</p> <p>File 14A – Rodriguez</p>	
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<input type="checkbox"/>	FTB Notice			

Page 2

Guardian Sara Lopez filed a Declaration on 1-2-13 that states Sean has been in the counseling process since 12-27-11. He is currently seeing doctors in Fresno. She has not talked to the parents because they have not asked about it. They only call when they would like to change a visit because they can't make it. The Guardian does not think overnight visits are a good idea unless recommended by a psychologist. She would also like the Court to consider ending visitation at 4pm instead of 6pm so Sean has time to get ready for school and bed.

Ms. Lopez states the reason she missed the hearing is because she was not served – mail was sent to apt. # 197 and she lives in #175. She only knew because Daniel called.

14B Sean C. Rodriguez (GUARD/P)
Atty Sanchez, Lisa (Pro Per – Mother – Petitioner)
Atty Rodriguez, Daniel G. (Pro Per – Father – Petitioner)
Atty Lopez, Sara (Pro Per – Guardian)

Case No. 06CEPR00756

**Order to Show Cause Re: Sara Lopez's Failure to Appear; Imposition of Sanctions
in the Amount of \$500.00**

Age: 8		<p>SARA LOPEZ, paternal cousin (first cousin to father Daniel G. Rodriguez), was appointed Guardian of Sean C. Rodriguez on 11-27-06.</p> <p>Father: DANIEL G. RODRIGUEZ Mother: LISA SANCHEZ</p> <p>On 11-9-11, the Court ordered unsupervised visitation for the parents. The parties agreed to rely on the doctor's recommendation regarding visitation.</p> <p>On 8-16-12, the parents filed a Motion to Enforce Judgment and Request for Over Night Visitations. On 11-26-12, the Court set this Order to Show Cause Re: Sara Lopez's Failure to Appear; Imposition of Sanctions in the amount of \$500.00.</p> <p>The Order was mailed to all parties on 12-10-12.</p> <p>Guardian Sara Lopez filed a Declaration on 1-2-13 that states the reason she missed the hearing is because she was not served – mail was sent to apt. # 197 and she lives in #175. She only knew because Daniel called.</p>	NEEDS/PROBLEMS/COMMENTS:	
DOB: 3-25-04			<p>See Page 14A for details of the Motion to Enforce Judgment.</p> <p><u>Minute Order 11-26-12:</u> The Court notes for the minute order that Sara Lopez has been given notice and is not present in court. The Court sets the matter for an Order to Show Cause on 1/7/13 regarding Sara Lopez's failure to appear and imposition of sanctions in the amount of \$500.00. The Court orders Sara Lopez to be personally present on 1/7/13. The Court amends the visitation order to reflect that visitation shall be from 9:00 a.m. until 6:00 p.m., day(s) to remain the same. Continued to 1/7/13 @ 9:00 a.m. Dept. 303; Set on 1/7/13 @ 9:00 a.m. Dept. 303 for: Order to Show Cause Re: Sara Lopez's Failure to Appear; Imposition of Sanctions in the Amount of \$500.00.</p> <p><u>Order to Show Cause</u> was mailed to all parties on 12-10-12.</p> <p><u>Note:</u> The Court may wish to require Ms. Lopez to file a change of address for the Court file, as it does not appear that her current address is the address of record.</p>	
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FTB Notice				
		Reviewed by: skc		
		Reviewed on: 12-13-12		
		Updates: 1-3-13		
		Recommendation:		
		File 14B – Sanchez & Rodriguez		

14B

Dept. 303, 9:00 a.m. Monday, January 7, 2013

**Petition for Order Directing Successor Trustee to File An Accounting to Make
Distribution to the Named Beneficiaries and to Surcharge Trustee (PC 17,200;
16,002; 16,047 and 16,0606)**

Verdistine Neal DOD: 7-20-09		<p>BEATRICE L. JOHNSON, Trustor, daughter of the now-deceased primary beneficiary, VERDISTINE NEAL, and remainder beneficiary of the BEATRICE L. JOHNSON IRREVOCABLE TRUST, is Petitioner.</p> <p>Petitioner provides the following history: In 2002, VERDISTINE NEAL transferred her home and a nearby vacant lot to Petitioner for convenience only to hold in trust for her children upon her death, as an estate plan and legally allowable lien avoidance plan without the assistance of an attorney. A dispute led to a lawsuit against Petitioner to get the property back. In settlement, Petitioner transferred said property to herself and her sister, Vera Neal, as co-trustees of the above trust, which was prepared by counsel, to evidence the estate plan that was already understood and being implemented by Petitioner and her mother.</p> <p>On or about 1-22-09, misunderstood, falsely accused and inadequately represented, Petitioner was removed as co-trustee. Verdistine Neal died on or about 7-20-09.</p> <p>Petitioner's brother JAMES NEAL of Detroit, MI, was appointed by the Court as successor trustee without reference to the trust's requirement for co-trustee (paragraph 6.2), and without bond. By accepting the trusteeship, having its place of administration in this state, James Neal submitted to personal jurisdiction of this California Court (Probate Code §17004).</p> <p>Petitioner believes the property was sold on or about 9-15-11. Petitioner never received formal notice of the sale and written notice of the closing came several months after closing. A letter dated 7-12-12 contains a handwritten list of disbursements and appears to be the trustee's effort at accounting; however, clearly fails terribly as an accounting of trust administration. Such failure constitutes a breach of trust pursuant to trust section 7.2. Further, the trustee did not keep the beneficiaries reasonably informed as required by Probate Code §16060.</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. That James Neal as successor trustee prepare, file and serve on each beneficiary an accounting in the form that satisfies the requirements of the California Probate Code, accounting for all funds and property which came under his management and control as trustee of this trust, and signed under penalty of perjury; 2. Determining that James Neal is personally liable for loss to the trust for mismanagement and misappropriation of trust funds; and 3. Establishing a reasonable sum to pay to Petitioner for bringing this petition, plus any additional fees and costs which accrue should be charged to the trust and paid from the net sale proceeds or from James Neal personally as a surcharge. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 30 days prior to the hearing per Probate Code §17203 on: <ul style="list-style-type: none"> - Paul J. Pimentel (of Tomassian Pimentel & Shapazian) - James Andrew Neal - Vera Juanita Dean - Eula Verdestine Woods - Evelyn Traezvant Bradley - Vivian Olinda Vance
Aff.Sub.Wit.			
✓ Verified			
Inventory			
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Notice of Hrg	X		
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Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc

Reviewed on: 12-14-12

Updates:

Recommendation:

File 15 - Johnson

Atty Vargas, Mary I (Pro Per – Petitioner- Maternal Grandmother)

Atty Vargas, Paul (Pro Per – Petitioner-Husband of Maternal Grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Jeremiah Age: 18 months		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		MARY VARGAS , maternal grandmother, and PAUL VARGAS , husband of paternal grandmother, are petitioners.		<u>Petition pertains to Jeremiah Hernandez only.</u>	
Cont. from		Father: DIEGO RODRIGUEZ		1. Need Notice of Hearing.	
<input type="checkbox"/>	Aff.Sub.Wit.			2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
✓	Verified	Mother: FRANCIS I. HERNANDEZ		<ul style="list-style-type: none"> • Diego Rodriguez (Father) • Francis I. Hernandez (Mother) 	
<input type="checkbox"/>	Inventory	Paternal Grandfather: Not Listed		3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
<input type="checkbox"/>	PTC	Paternal Grandmother: Natalie		<ul style="list-style-type: none"> • Paternal Grandfather (Not Listed) • Natalie (Paternal Grandmother) • Johnny D. Hernandez (Maternal Grandfather) 	
<input type="checkbox"/>	Not.Cred.	Maternal Grandfather: Johnny D. Hernandez		4. UCCJEA does not provide the child's residence since birth as required.	
<input type="checkbox"/>	Notice of Hrg	✓			
<input type="checkbox"/>	Aff.Mail	✓			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.	✓			
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		Petitioner states: both of the minor's parents are on drugs, petitioner does not think he is safe or being taken care of. Petitioner believes that she can take better care of the child. Petitioner states that the mother of the child is pregnant again and still doing drugs, she also states that the parents are not fit to care for the minor child much less another baby. Petitioner alleges that the mother has had all of her children taken from her.			
		Court Investigator Charlotte Bien's report filed 11/26/2012.			
				Reviewed by: LV	
				Reviewed on: 12/13/2012	
				Updates:	
				Recommendation:	
				File 16 – Hernandez	

17 Christopher Garcia, Alexiah Garcia, Jaden Garcia (GUARD/P)

Atty Deaver, Donna (Pro Per –Petitioner-Aunt)
 Atty Gonzales, Marina (for Selina Lopez – Mother)

Case No. 12CEPR00966**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

Christopher Age: 11		<u>Temporary Order Denied on 11/07/2012</u> <u>GENERAL HEARING 01-07-2013</u> DONNA DEAVER , Aunt, is Petitioner. Father: BRADLY GARCIA , Personally served 10-25-12 Mother: SELINA LOPEZ , Present in Court on 11/07/2012 and objects Paternal Grandfather: John Garcia, Mailed service 10-26-12 Paternal Grandmother: Deceased Maternal Grandfather: Roy Lopez, Mailed service 10-26-12 Maternal Grandmother: Debora Harmon, Mailed service 10-26-12 Petitioner states: CPS placed the children in her care due to the mother being arrested for child neglect and physical abuse.	NEEDS/PROBLEMS/COMMENTS: Minute order from temporary hearing on 11/07/2012 indicates that the mother objects. As of 12/17/2012 no written objection has been filed. 1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice for: <ul style="list-style-type: none"> Selina Lopez (Mother) Court Investigator Jennifer Daniel to provide: <ol style="list-style-type: none"> CI Report Clearances 	
Alexiah Age: 7				
Jaden Age: 6				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			x
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: LV				
Reviewed on: 12/17/2012				
Updates:				
Recommendation:				
File 17 - Garcia				

**18B Alyssa Cabrera, Savanna Cabrera, Daniel Cabrera, & Matthew Cabrera
(GUARD/P)**

Case No. 12CEPR00969

Atty Cabrera, Priscilla (pro per – sister/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Alyssa, 16		<p><u>TEMPORARY HEARING SET FOR 12/20/12</u></p> <p>PRISCILLA CABRERA, sister, is Petitioner.</p> <p>Father: DANIEL V. CABRERA - Deceased</p> <p>Mother: CAREY A. CABRERA</p> <p>Paternal grandfather: LUIS CABRERA – Consent & Waiver of Notice filed 12/19/12</p> <p>Paternal grandmother: GUADALUPE CABRERA – Consent & Waiver of Notice filed 12/19/12</p> <p>Maternal grandfather: JACK VARELA</p> <p>Maternal grandmother: JOSEPHINE VARELA</p> <p>Siblings: ALYSSA CABRERA, SAVANNA CABRERA – Consent & Waiver of Notice filed 12/19/12 (for both)</p> <p>Petitioners allege that the minors mother is on drugs and not around to care for them. Petitioner states that she needs guardianship of Daniel & Matthew so that she can provide a home for them and can take them to the doctor when necessary and not have to rely on their mother.</p> <p>Court Investigator Samantha Henson filed a report on 12/19/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>THIS PETITION PERTAINS TO DANIEL & MATTHEW ONLY. SEE PAGE 18A FOR PETITION RE ALYSSA & SAVANNA.</p> <p>1. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> - Carey A. Cabrera (mother) <p>Note: The mother was personally served on 12/19/12 re the temporary hearing (heard on 12/20/12); however, no proof of service has been filed for service re the General Petition.</p> <p>2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> - Jack Varela (maternal grandfather) - Josephine Varela (maternal grandmother)
Savanna, 13			
Daniel, 15			
Matthew, 11			
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 12/17/12</p> <p>Updates: 12/20/12</p> <p>Recommendation:</p> <p>File 18B - Cabrera</p>	

18B

**18B Alyssa Cabrera, Savanna Cabrera, Daniel Cabrera, & Matthew Cabrera
(GUARD/P)**

Case No. 12CEPR00969

Atty Cabrera, Priscilla (pro per – sister/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Alyssa, 16		<u>TEMPORARY HEARING SET FOR 12/20/12</u>	NEEDS/PROBLEMS/COMMENTS:
Savanna, 13			
Daniel, 15			
Matthew, 11			
Cont. from		<p>PRISCILLA CABRERA, sister, is Petitioner.</p> <p>Father: DANIEL V. CABRERA - <i>Deceased</i></p> <p>Mother: CAREY A. CABRERA</p> <p>Paternal grandfather: LUIS CABRERA Paternal grandmother: GUADALUPE CABRERA</p> <p>Maternal grandfather: JACK VARELA Maternal grandmother: JOSEPHINE VARELA</p> <p>Siblings: ALYSSA CABRERA, SAVANNA CABRERA</p> <p>Petitioners allege that the minors mother is on drugs and not around to care for them. Petitioner states that she needs guardianship of Daniel & Matthew so that she can provide a home for them and can take them to the doctor when necessary and not have to rely on their mother.</p> <p>Court Investigator Samantha Henson filed a report on 12/19/12.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		x
<input type="checkbox"/>	Aff.Mail		x
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		x
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<p>3. Need Notice of Hearing.</p> <p>4. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> - Carey A. Cabrera (mother) - Daniel Cabrera (minor) <p>5. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> - Luis Cabrera (paternal grandfather) - Guadalupe Cabrera (paternal grandmother) - Jack Varela (maternal grandfather) - Josephine Varela (maternal grandmother) - Alyssa Cabrera (sister) - Savanna Cabrera (sister)
			Reviewed by: JF
			Reviewed on: 12/17/12
			Updates: 12/20/12
			Recommendation:
			File 18B - Cabrera

18B

Petition for Letters of Special Administration; Authorization to Administer Under
IAEA (Prob. C. 8002, 10450)

Age:			NEEDS/PROBLEMS/COMMENTS: <u>Continued to 01/16/2013 at the request of the Petitioner</u>	
DOD:				
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: LV
				Reviewed on: 12/13/2012
		Updates:		
		Recommendation:		
		File 19 – Randle		

Ex Parte Petition for Authorization to Pay Counsel [Prob. C. 2640]

Age: 55		PUBLIC GUARDIAN , Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
		Petitioner filed this Ex Parte Petition for Authorization to Pay Counsel on an ex parte basis. On 12-17-12, the Court set the matter for noticed hearing.	Note: Attorney Magness filed a consent and waiver of notice to this petition.
		Petitioner states: Prior to the establishment of a conservatorship, the Conservatee had retained the law firm of Lerandeau & Lerandeau in a dissolution action, which matter has continued during these proceedings.	1. Need filing fee of \$435 because the petition required noticed hearing.
Aff.Sub.Wit.		See declaration of Paul Lerandeau in support of request for attorney fees in the amount of \$30,217.13. Also see declaration of Deputy Public Guardian Renee Garcia (fee request is reasonable).	2. Need proof of service of Notice of Hearing on the Conservatee Arthur Hermosillo pursuant to Probate Code §§ 2640, 1460.
✓	Verified	Petitioner also refers to Attorney Magness' petition at Page 3 and states that if the Court authorizes that request, he would be owed \$11,913.24 in fees and \$3,502.89 in costs. Petitioner also requests authorization to pay that amount.	
	Inventory	The I&A was delayed because of the property being party of the dissolution matter. Final I&A filed 10-19-12 shows cash of \$332.07; however, the various income-producing rental properties are not included since they are tied up in the dissolution matter. Nevertheless, the conservator now holds sufficient cash from such properties to pay the fees requested herein.	
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	<p>Petitioner states the conservatee's income currently exceeds his expenses by \$2,600.00 because he is living with his daughter. Petitioner would like to move him to Fairwinds, believing that would be more beneficial to him and his family. Even with that move, his income would exceed expenses by \$700/month.</p> <p>In addition to his monthly income, the Conservatee has a little over \$40,000.00 in the trust account. Once the dissolution is completed, the conservator expects to receive additional funds and/or property for the Conservatee.</p> <p>Petitioner made this request ex parte because the ex parte filing fee is lower than that of noticed hearing. Also, Attorney Lerandeau has been providing services for over a year and cannot continue without periodical compensation, and Attorney Magness has already presented his petition to the Court via noticed hearing.</p> <p>Petitioner prays for an order authorizing payment of \$30,217.13 to Lerandeau & Lerandeau and payment of \$15,416.13 to Marcus Magness.</p>	<p>Reviewed by: skc</p> <p>Reviewed on: 12-19-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20B - Hermosillo</p>

Age: 3 months		<u>TEMPORARY EXPIRES 1/7/2013</u>		NEEDS/PROBLEMS/COMMENTS:
		<u>GENERAL HEARING 2/21/2013</u>		1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on: a) Holly Marie Cantu b) Richard Cantu, Jr. – unless the court dispenses with notice.
Cont. from		VALERIE ANN PINA, maternal grandmother, is petitioner.		
	Aff.Sub.Wit.	Father: RICHARD CANTU, JR. – Declaration of Due Diligence filed on 12/19/12.		
✓	Verified	Mother: HOLLY MARIE CANTU		
	Inventory	Paternal grandfather: Richard Cantu, Sr. – Declaration of Due Diligence filed on 12/19/12.		
	PTC	Paternal grandmother: Josephine Cantu – Declaration of Due Diligence filed on 12/19/12.		
	Not.Cred.	Maternal grandfather – Frank Flores – deceased.		
	Notice of Hrg	X	Petitioner alleges mother is in the ICU on life support. The father abandoned the minor and the mother. Petitioner does not want the father to take the child because of his history of drug and alcohol use.	
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
	Letters	X		
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report		Reviewed by: KT Reviewed on: 1/2/2013 Updates: Recommendation: File 21 - Cantu	
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Age: 6 years		GENERAL HEARING 2/21/2013		NEEDS/PROBLEMS/COMMENTS:	
		JULIE A. LEANOS , paternal grandmother, is petitioner.		1. Proposed Order is incomplete at items 2-4. Need new order. 2. Need Letters.	
		Father: PHILLIP LEANOS – personally served on 12/23/12.			
Cont. from		Mother: ERICA HELMUTH – personally served on 12/23/12.			
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.	Paternal grandfather: Phillip Leanos – consents and waives notice. Maternal grandparents: Deceased.			
✓	Notice of Hrg	Petitioner alleges: she has had the minor residing with her since June 2012. The mother and father are unable and unwilling to care for the minor. The mother is facing a two year sentence for welfare fraud and the father is a severe alcoholic and homeless.			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	W/			
✓	Conf. Screen				
	Letters		X		
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting			Reviewed by: KT	
	Status Rpt			Reviewed on: 1/2/2013	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 22 - Leanos	